



The price of justice

Financial crisis and Judges

Procedural Law of Human Rights-JAMR17

Katerina Hnitidou

Lund University

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1. Introduction

How does a financial crisis affect justice? That is the question this essay deals with. Limited to the perspective of judges and the financial crisis in Greece the essay examines the importance of a well-funded judicial system for the society as a whole. What is really the price of justice?

In the last seven years Greece has been facing a financial crisis that has affected all aspects of the public sphere, including the legal sector and the judiciary. The financial conditions in Greece have never been exceptional. However, with the recent crisis, the already underfunded and bureaucratic Greek legal system has been greatly influenced. Even though the crisis has affected every aspect of the judicial procedure, be that the legislation or the ability of the parties to a dispute to have access to justice, this essay examines how the crisis has affected the judges. It examines firstly the possible consequences the crisis has on the judges on a personal level. Secondly it examines how these consequences are translated in the jurisprudence of the Courts in selected cases. Thirdly, it tries to pinpoint what the long-term, societal consequences are. For the purposes of this essay, we shall only examine the period since the first memorandum of understanding was signed between Greece, the European Union, the Eurozone and the International Monetary Fund to the present day.

This essay firstly briefly describes the milestones of the financial crisis in Greece as well as the specific measures taken that affect judges. It secondly examines how the crisis has affected judges; firstly on a personal level and secondly in light of their decisions. At a third level the essay investigates the possible results of this situation in a societal level.

2. The financial situation in Greece-An Overview

In May 2010 Greece entered a bailout agreement of 110 million Euros with the International Monetary Fund (“IMF”), the European Commission and the European Central Bank (“ECB”).¹ Two austerity packages, including the freeze of public sector wages,² were already enacted by the Greek Parliament in

¹ Directorate-General for Economic and Financial Affairs, *The Economic Adjustment Programme for Greece* (Occasional Papers, 2010)

² Hewitt Gavin, 'Greece unveils austerity programme to cut deficit' (*BBC News*, 2010) <<http://news.bbc.co.uk/2/hi/europe/8494849.stm>> accessed 16 December 2015

February 2010, and in March 2010³ and a third one was voted on May 6th.⁴ In 2011 two more austerity packages were enacted, the fourth in June⁵ and the fifth in October.⁶

The Second Economic Adjustment Programme for Greece (2nd memorandum) was enacted in 2012 and provided for a bailout of the amount of 130 billion Euros.⁷ In connection to the second bailout programme two further austerity packages were voted, the sixth in February⁸ and the seventh in November.⁹

An eighth austerity package was comprised of two parts, one enacted in April¹⁰ and a second one in July 2013.¹¹ The next, ninth, austerity package, also called Mid-term Fiscal Strategy, was enacted in 2014.¹² In August 2015 a Third Economic Adjustment Programme (3rd memorandum) of 86 billion Euros was concluded between Greece on the one hand and the International Monetary Fund, European Central Bank, European Stability Mechanism and European Commission on the other.¹³ The third programme led to three more austerity packages. The first (eleventh in total) was voted in August,¹⁴ the second (twelfth) in October¹⁵ and the third (thirteenth) in November 2015.¹⁶ Since 2009 Greece has had five general elections¹⁷ and six Prime Ministers.¹⁸

³ Smith Helena, 'Greece unveils radical austerity package' (*The Guardian*, 2010) <<http://www.theguardian.com/business/2010/mar/03/greece-austerity-measures>> accessed 16 December 2015

⁴ Kennedy Duncan, 'Greek parliament votes in favour of austerity measures' (*BBC News*, 2010) <<http://news.bbc.co.uk/2/hi/8664161.stm>> accessed 16 December 2015

⁵ Wearden Gaeme, 'Greek parliament passes bill enabling new package of austerity measures' (*The Guardian*, 2011) <<http://www.theguardian.com/business/2011/jun/30/greek-parliament-passes-enabling-bill-austerity-measures>> accessed 16 December 2015

⁶ Renee Maltezou and Harry Papachristou, 'Greece adopts austerity bill amid protests' (*Reuters*, 2011) <<http://www.reuters.com/article/us-greece-idUSTRE79H1FI20111021>> accessed 16 December 2015

⁷ Directorate-General of Economic Affairs, *The Second Economic Adjustment Programme for Greece* (Occasional Papers, 2012) p.4

⁸ Mark Lowen, 'Greece MPs pass austerity plan amid violent protests' (*BBC News*, 2012) <<http://www.bbc.com/news/world-europe-17007761>> accessed 16 December 2015

⁹ Elinda Labropoulou and Laura Smith-Spark, 'Greek Parliament approves austerity cuts' (*CNN*, 2012) <<http://edition.cnn.com/2012/11/07/world/europe/greece-austerity>> accessed 16 December 2015

¹⁰ Zois Tsolis and Argyris Papastathis, 'The whole multi-bill-20 key points' (*To Vima*, 2013) <<http://www.tovima.gr/finance/article/?aid=509732>> accessed 16 December 2015

¹¹ Kitsantonis Niki, 'Greece Approves New Austerity Measures' (*New York Times*, 2013) <http://www.nytimes.com/2013/07/18/world/europe/greece-approves-new-austerity-measures.html?_r=0> accessed 16 December 2015

¹² Stavropoulos Lampros, 'Parliament: Medium Term Bill 2015-2018 voted' (*tovima.gr*, 2014) <<http://www.tovima.gr/politics/article/?aid=594314>> accessed 16 December 2015

¹³ Economic and Financial Affairs, 'Financial Assistance to Greece' (2015) <http://ec.europa.eu/economy_finance/assistance_eu_ms/greek_loan_facility/> accessed 16 December 2015

¹⁴ Anonymous, 'Greek Parliament approves third bailout but SYRIZA rebellion grows' (*ekathimerini.com*, 2015) <<http://www.ekathimerini.com/200565/article/ekathimerini/news/greek-parliament-approves-third-bailout-but-syriza-rebellion-grows>> accessed 16/12/2015

¹⁵ Bouras Stelios, 'Greece approves first austerity bill' (*Wall Street Journal*, 2015) <<http://www.wsj.com/articles/greece-approves-first-austerity-bill-1445034994>> accessed 16 December 2015

The judges' salaries decreased in 2010 alongside all salaries of the public sector.¹⁹ A third cut of their wages was enacted in 2012, when their income was cut down by 19-24% according to their rank.²⁰ The last cuts were found unconstitutional by the Special Court provided for in Article 88 of the Greek Constitution in the judgment 88/2013 (for further analysis *see* below in 4.b.ii).

3. The personal consequences of the crisis for the judges

The reductions in judges' salaries can have serious consequences. When judges' salaries are low the chances of them being bribed increase. Especially in the Greek context with the bureaucratic judicial system and because of the financial crisis when not only the salaries were cut, but also the workload increased, that danger is prominent. Even though there are no specific cases of judges being bribed, mainly due to the inability of the Greek judicial system to detect and punish the perpetrators, the fact remains the same. It was emphasized in the 88/2013 judgment (*see* below in 4.b.ii). It was also emphasized by the International Association of Judges²¹ and the President of the Hellenic Union of Judges and Prosecutors.²² In the European Charter on the Statute for Judges, the Council of Europe clearly states that "the level of [remuneration] is fixed so as to shield them [judges] from pressures aimed at influencing their decisions and more generally their behaviour within their jurisdiction, thereby impairing their independence and impartiality".²³ The European Court of Human Rights in *Zubko and Others v. Ukraine* emphasizes that "the failure of the State to provide judicial benefits to judges... is incompatible with the

¹⁶ Madhumita Murgia, 'Greece passes tough austerity extending 2016 budget' (*The Telegraph*, 2015) <<http://www.telegraph.co.uk/finance/economics/12035739/Greece-passes-tough-austerity-extending-2016-budget.html>> accessed 16 December 2015

¹⁷ Anonymous, 'Greece profile-Timeline' (*BBC News*, 2015) <<http://www.bbc.com/news/world-europe-17373216>> accessed 17 December 2015; Ministry of Interior, 'Parliamentary Elections September 2015' (2015) <[http://ekloges.ypes.gr/current/v/public/index.html?lang=en#{"cls":"main","params":{}}](http://ekloges.ypes.gr/current/v/public/index.html?lang=en#{)> accessed 17 December 2015

¹⁸ Primeminister.gov.gr, 'History-Prime Ministers of Greece' (*Hellenic Democracy-Prime Minister of Greece*, 2015) <<http://www.primeminister.gov.gr/primeminister/history>> accessed 17 December 2015

¹⁹ President of the Hellenic Democracy, *Protection of the National Economy-Emergency Measures to Address the Financial Crisis* (Official Government Gazette 2010); President of the Hellenic Democracy, *Measures for the Application of the Mechanism for the Support of the Greek Economy from the Member-states of the Eurozone and the International Monetary Fund* (Official Government Gazette 2010)

²⁰ President of the Hellenic Democracy, *Approval of the Middle-term Framework of Financial Strategy 2013-2016-Emergency Measures of Application of the law 4046/2012 and of the Middle-term Framework of Financial Strategy 2013-2016* (Official Government Gazette 2012)

²¹ International Association of Judges, *Resolution of November 15th 2012* (2012)

²² President of the Hellenic Union of Judges and Prosecutors, *Ανακοίνωση της Προέδρου της Ένωσης Δικαστών και Εισαγγελέων* (2012)

²³ Art. 6 Council of Europe, *European Charter on the Statute for Judges and Explanatory Memorandum* (1998)

need to ensure the ability to exercise their judicial functions independently and impartially, in order to be shielded from outside pressures aimed at influencing their decisions and behaviour”.²⁴

Even if however we accept that bribery is as an extreme result, we must consider at the same time the quality of the judicial decisions issued by these very judges. Their low income combined with their increased workload can easily lead to decreased attention and indifference about the merits of the case, and in the long-run in decisions that are not well-considered and thought-of. In fact in *Zubko* the Court stressed out that not receiving in full judicial benefits equals to “a circumstance liable to impede the exercise of [the judges’] judicial functions with the necessary dedication”.²⁵

4. Financial crisis and judgments

The judgments in the time of the memoranda will be divided in two categories. Firstly the civil and criminal law cases and secondly the public law cases that examine the constitutionality of the austerity measures adopted because of the memoranda.

a. Civil and criminal cases

In this part two specific cases will be examined.

The first one is a lower Court case examining the liability of banks when they have, in full knowledge, granted loans to people that could face problems paying them back. The Court found that the borrower was not liable in this case, even if he/she was heavily negligent in his/her conduct with the bank. On the contrary the bank that made the loan *was* liable, since it knowingly granted a loan, having all the information about the borrower’s financial situation, available to them.²⁶

The second case to be examined is a criminal one. According to the Greek Penal Code if a prisoner is caught after having tried to escape, he/she has an additional sentence, for that crime.²⁷ As a result of the overall Greek criminal system, as well as the financial crisis, Greek prisons are overpopulated and as such living conditions in prisons are poor.

²⁴ Par. 68 *Zubko and Others v. Ukraine* (European Court of Human Rights)

²⁵ Par 69 *ibid*

²⁶ Sofia Fasoulaki, 'Υπεύθυνη και η τράπεζα για τυχόν υπέρογκο δανεισμό του νοικοκυριού ' (*Ethnos*, 2015) <<http://www.ethnos.gr/article.asp?catid=22768&subid=2&pubid=64287633>> accessed

²⁷ King of Greece, *Penal Code* (Official Governmental Gazette 1951) Art. 172: “If a prisoner escapes or another prisoner under command of the relevant authorities, is punished with a penalty of imprisonment up until a year. The aforementioned penalty is executed wholly after serving the penalty that was or will be imposed for the crime for which the detainee escaped”.

Fifteen detainees in the detention centre of the police office of Thesprotia²⁸ escaped. Their act fulfilled the criteria of the Greek Penal Code. However, they were found not guilty. In its reasoning the Court employed Article 3 of the European Convention on Human Rights and concluded that the prisoners were living in inhumane conditions. The Court analysed the conditions under which the prisoners were living and concluded that their escape can be justified as a means to prevent a grave and with other means inevitable danger to their lives that was not caused by their conduct.²⁹

b. Constitutionality cases

In this part a different set of cases is examined. More specifically, certain cases before the Council of State (the Supreme Administrative Court of Greece) that addressed the constitutionality of the austerity measures adopted by the memoranda of understanding are presented. The different cases are divided based on whether they found the measures constitutional or unconstitutional.

i. First phase

In the first case against the memorandum the Council of State emphasized that the austerity measures adopted, including the cuts in wages and pensions in the public sector were *not* unconstitutional. The Court reasoned that these measures “are part of a wider program of financial adjustment and of promotion of structural reforms of the Greek economy, which applied as a whole, aim to deal with the direct need of covering the financial needs of the country and the improvement of the future financial and economic situation, thus servicing goals that are in principle reasons of public interest”.³⁰ The Court for the first time with this case considered that the improvement of the financial situation of the country *is* part of the public interest and as such *can* limit the rights and freedoms of people.

The case against the second memorandum was initiated against measures providing for the reductions of wages in the private sector up to 32% and certain other measures that limited union rights, including the abolition of the right to arbitrate collective differences. The Court differentiated between the rights at hand and found that only the abolition of the right to arbitrate was unconstitutional. On the contrary it did not take the same approach with wages reductions. In the Court’s reasoning “these measures were adopted in highly exceptional circumstances and, specifically, the danger to suspend payments and the collapse of national economy with unpredictable economic and social results and do not seem, under the constitutionality test, to be not-appropriate or unnecessary for the achievement of the aforementioned

²⁸ Greek county

²⁹ 682/2012 (First Instance Misdemeanor Court of Igoumenitsa) translation by the author

³⁰ 668/2012 (Hellenic Council of State) translation by the author

constitutional goal”.³¹ We can thus see that for the second time the Council of State employs the financial needs of the State and the need to overcome the “highly exceptional circumstances” as a constitutional goal and a limitation to the rights provided for in the Constitution.

The austerity measures of the first memorandum included an extra tax specifically for self-employed people. This category included lawyers who challenged the measure and requested that the Court found it unconstitutional based on the general principles for taxation prescribed in the Greek constitution.³² The Council of State did not find the measure unconstitutional. It argued *inter alia* that the measure was imposed as a means to increase public income and therefore served various public goals in general, by handling the financial needs of the country.

ii. Second phase

The next pack of cases involves four different judgments concerning what is called in Greece “special payrolls”. This category includes the wages of judges, diplomats, the army and police personnel and the professors and teaching personnel of universities.³³ The Council of State took a different approach in this set of cases.

The first decision that found that the wage cuts were unconstitutional was the one involving cuts on judges’ wages. The case was brought before the Special Court provided for in Article 88 of the Greek Constitution in conjunction with Article 99 thereof,³⁴ according to which financial differences concerning the wages and pensions of judges shall be ruled by a Special Court. Judgment 88/2013 overturned the results of the 4093/2012 law retrospectively. In its reasoning the Court employed the principle of the division of powers. More specifically it emphasized that the three powers, the legislative, the executive and the judicial are equal and equivalent. Since the income of the two other powers was not affected in such an extent as the judiciary’s income did, the principle was violated. Furthermore, in the same spirit, the Court emphasized that the wages of judges are basically formulated by the executive and legislative powers without consultation of the judicial power, even though they are equals. Moreover, the Court noted that judicial independence, specifically provided for in the Greek Constitution, was put in peril with the third consecutive reduction on judges’ salaries. The Court further stressed out that even though “special payrolls” involve different categories of employers, albeit they were approached as one and the same category by the legislative and the executive powers without distinguishing between the different

³¹ 2307/2014 (Hellenic Council of State) translation by the author

³² Art. 78 Hellenic Parliament, *The Constitution of Greece* (2008)

³³ 4741/2014 (Hellenic Council of State) translation by the author

³⁴ Hellenic Parliament, *The Constitution of Greece*

characteristics of each category. Lastly, the Court took a completely different approach in regards with the cuts of the judges' wages when it came to the importance of the financial crisis. More specifically, the Court concluded that "regardless of the existence of important reasons of public interest that could in principle justify the reduction on the income of the judiciary, albeit for the determination of the aforementioned reduction it was not taken at all into consideration that the reduction concerns the income, not of indirect organs of the executive branch, but of the judiciary, that is to say organs of the third state power".³⁵

The second case concerns the Court the wages and pensions of the armed forces. This case emphasized the special character of the armed and security forces, for "national security which includes national independence, protection of the territorial integrity, and protection of people from outside attacks and threats and in general the support of national aims which from their nature are directly connected with the existence of the State itself".³⁶ The Court also stressed out the restrictions these forces face on specific rights, due to exactly their positions. Furthermore, the Court emphasized the importance of preventing corruption amidst these corps. Moving away from its previous case law the Court pointed out that wages can indeed be reduced, but certain criteria must be fulfilled that were not in the present case. Firstly, there was no review of the measures in such a manner as to conclude that they were in fact necessary and that the same result could not be achieved by other means. That was especially important for the army and security forces because of the dangerous character of their duties. Secondly, the Court for the first time concluded that "the ability of the law-maker to cut wages is *not* unlimited but is limited by the principles of proportionality, equality in the contribution to the public expenditure and respect to human dignity that demand that the weight of the financial adjustment must be contributed between everyone".³⁷ These measures should not always be taken in the detriment of only the same social groups. Finally, as in the previous case, the Court stressed out that the only criterion for wage cuts cannot be an arithmetical one, but rather the overall situation must be taken into consideration.

The third case concerns the Coast Guard.³⁸ The Court in this case employed its previous reasoning. More specifically, it reiterated firstly the importance of equality and proportionality in public expenditure and that the austerity measures should not always be taken in the detriment of only the same social groups. Secondly, the Court reiterated that all "special payrolls" cannot be considered the same when assessing the

³⁵ 88/2013 (Special Court of Article 88(2)) translation by the author

³⁶ Par. 11 2192/2014 (Hellenic Council of State) translation by the author

³⁷ Par. 19 *ibid*

³⁸ 2196/2014 (Hellenic Council of State)

percentage of wage reductions. Thirdly, the Court stressed out the importance of the cumulative cuts that the Coast Guard had endured.

The same reasoning was utilized for the fourth case.³⁹ This case concerned the wage reductions of Professors and teaching personnel of universities. According to the Greek Constitution Professors and teaching personnel of universities enjoy a special status as public functionaries and they perform a public function.⁴⁰ The Court reinstated the importance of the role of the academic staff and linked it to its further reasoning for the unconstitutionality of their wage cuts. More specifically, it once again stressed out that the cuts were made without proper examination of their results and whether the same result could be achieved with different measures. The only criterion, the Court said, that the executive and legislative powers used was a merely arithmetical one. Furthermore, the Court emphasized the cumulative character of these cuts and how the legislative, wrongfully and unconstitutionally, equated all categories of “special payrolls”, when the special characteristics of each category are different.

The second pack of cases that are examined involve the cut of wages and of social security funds.⁴¹ The Council of State stated that in cases of very serious financial circumstances, and with the condition that the State cannot provide the required resources, cuts on wages are not unconstitutional. It further stated that the cuts are not unlimited, they are always subjected to the principle of proportionality and must be specifically justified. Thus, the Court found that the cuts at hand were unconstitutional. It is to be noted that all of these cases refer to the second memorandum.

5. Analysis

a. General comments

While examining these cases we can reach certain conclusions. First of all there are two different approaches between the civil/criminal cases and the constitutionality cases.

The former cases are indicative of the approach the Courts take while dealing with the results of the financial crisis. The following remarks must be made in relation to them. Firstly, they are both cases of lower Courts, in fact of the lower civil and criminal Court respectively and they are both cases of the first instance. Secondly, they are not cases concerning the austerity measures *per se*, but they are dealing with the results of the crisis. More specifically, they are dealing with two very problematic situations in Greece,

³⁹ 4741/2014

⁴⁰ Art 16 Hellenic Parliament, *The Constitution of Greece*

⁴¹ 2287/2015 (Hellenic Council of State);2288/2015 (Hellenic Council of State);2289/2015 (Hellenic Council of State);2290/2015 (Hellenic Council of State)

the former the inability of debtors to pay their debts and the latter the overpopulation of prisons. In their approach both Courts took a position that benefited the rights of the weaker side to the dispute, the one that was facing the consequences of the crisis in the most intense way. In the first case they took a wide approach in regards with the liability of the parties. In the second case the Court interpreted Greek criminal law in the light of the European Convention on Human Rights. All in all we can see that the Courts are sensitized to the consequences of the crisis to people and they try to alleviate the consequences of the crisis.

Let us now turn to the examination of the latter category. First of all the cases concerning constitutionality can be distinguished in two phases; the first one corresponds to austerity measures adopted under the first memorandum and the second to measures adopted under the second memorandum.

In the first phase that corresponds to the adoption of the first memorandum, the Council of State found the austerity measures adopted constitutional. In order to do that the Court employed an interpretation that presented principles such as economic stability as principles prescribed by the Constitution for the limitation of rights, even though they are not. The Court used in its reasonings the danger of a collapse of the Greek economy, of a cessation of payments and thus justified all of the adopted measures. We can see that the Court's decisions eased the function of the legislative and executive powers and the policies they wanted to employ.

In the second phase that was basically initiated with the case for the austerity measures against judges, the Court takes another path. More specifically, the Court starting with judges' salaries and then proceeding with the other "special payrolls", as well as pensions and social security issues, found all measures to be unconstitutional.

It is a fact that the second phase can be traced in the period after the adoption of the second memorandum. In all of the decisions the Courts emphasized that the initial measures were constitutional because of the gravity of the situation. However according to the Courts, the situations that justified the previous measures ceased to exist. The seriousness of the position Greece was now not as high. Furthermore, the Courts took notice of the cumulative effect of the measures to the social groups involved.

It could therefore be said that the Courts gave a margin of appreciation and a time-span to the executive and legislative power to tangle the financial crisis and after that period passed they changed their approach. In this essay we are not trying to determine which of the two phases was legally correct. The Courts used legal argumentation to justify both. However, both phases were highly politicized. In the first phase the Court wanted to assist the executive branch on achieving its financial goals. In the second phase, when the rights of specific categories, and most importantly of judges, were affected the Courts changed

their approach. And even though the Courts give special notice to the time that has passed and the feasibility of the measures, we cannot disregard the fact that they basically changed their approach from the moment the judges' case was brought before the Courts.

b. Societal impact

The results of the judges' conduct extend further than to only the parties to the disputes. The cases analyzed before, and specifically the constitutionality ones were high profile cases. As a result the judgments are disseminated to the general public, without however the exact reasoning being known. Even if however the reasoning was known, it is highly debatable whether the general public would be able to assess its legal value. That occurs for various reasons. Firstly, only a limited amount of people have legal knowledge and as such are able to assess the correct application of the law in each case. Even amongst people with legal knowledge however, judges are in a better capacity to evaluate the circumstances before them, as they have all the evidence presented before them and as such are in a better position to evaluate it. Secondly, Court judgments in Greece are neither easily accessible nor easy to read. Judgments are not published online duly, or they are published by subscription services and can be found in hard print in the Court-houses. Moreover judges often use obsolete language and a very specific way of writing and as such, judgments are not easy to follow if one is not used to that.

As a result, people only learn the outcome of the cases. In the context of the aforementioned cases this is highly problematic. More specifically, seeing that the Courts have not followed a uniform line in their decisions or reasoning and fell into regressions, people could conclude that the decisions are political. At the same time, the fact that the previous decisions were basically overturned for these special cases of "special payrolls" does not only put emphasis on the political aspect of the decisions, but also creates the impression that the reason why these cases have had this development, was not really because of the special characteristics of these people, who were after all public servants. Instead it was the judges' attempt to protect themselves and consequently, people that could be connected to them wage-wise. This notion leads to a feeling of unfairness of the procedure between the special categories and the other categories of civil servants.

Public confidence to the judiciary is thus severely affected by what appears to be double standards.⁴² And if society considers that the justice system is unfair and takes decisions based on political and personal criteria, it loses one of its most important elements, that of impartiality. Caesar's wife must after all be

⁴² Arthur Selwyn Miller, 'Public Confidence in the Judiciary: Some Notes and Reflections' (1970) *Law and Contemporary Problems* available at: <http://scholarship.law.duke.edu/lcp/vol35/iss1/6>

above suspicion. People could feel as if the judicial authorities that are supposed to protect them from the arbitrariness of the other two fail to do so. And this consequence leads to other more serious ones that undermine the impartial character of justice in depth and in the long-term. It could even reach a point where the impartiality of justice is hard to be restored. We can thus see that the consequences of the financial crisis in justice are not merely financial in a sense of the financial hardship of the judicial system. They are even deeper and lead to a general undermining of the institution of justice in the society.⁴³

6. Conclusion

This essay firstly examines the way the financial crisis in Greece has affected judges, both in a personal level and as a reflection in their judgments. The way financial crisis has affected access to justice in general, as for example the financial capacity of members to a dispute to go to trial, or the ways legislation has affected access to justice have not been examined and are topics that could be further explored.

In the question of how financial crisis has affected the judges personally, the answer is that the cuts on their wages could affect their impartiality. The European Court of Human Rights and the Council of Europe has stressed that fact in various occasions.

In the view of the results on the decisions we can witness three different categories. Firstly in lower-Court cases the Courts take a progressive stance. They apply the law in a way to help people overcome the results of the crisis. The second category involves constitutionality case of the first memorandum where the Courts interpreted the law in such a way as to not find the measures adopted unconstitutional. In the third category, that mainly involved cases of “special payrolls” the Courts took another approach that protected these categories of public servants.

We have thus concluded that lower Courts take such an approach as to alleviate the consequences of the crisis and interpret the law in a way to protect the rights and freedoms of people. The constitutionality cases though are highly political as can be seen firstly by the fact that the Courts changed their approach between the two memoranda and secondly by the approach they took for the “special payrolls”.

While examining the consequences the judges’ approach has on the society as a whole, it is concluded that the feeling of unfairness that derives from the inconsistent approach of the Courts has deeper, societal consequences that undermine the value of justice in the common conscience. As such the final conclusion is that, apart from all the other aspects in which the financial crisis has affected the justice system, it has and could further affect the way the society perceives the justice system.

⁴³ Union of Judges and Prosecutors and others, *Ανακοίνωση Δικαστικών Ενώσεων* (2012)

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